

Application No.: 09/780632
Docket No.: HT3765USNA

Page 2

REMARKS

Reconsideration and allowance of subject claims 10 - 18 are respectfully requested.

Rejection Under 35 USC 103

Claims 10-18 are rejected under 35 USC 103(a) as unpatentable over U.S. 5,856,005 to Gurian (Gurian) in view of US 4,120,914 to Behnke et al. (Behnke).

The Examiner equates the boucle-like yarn structure disclosed in Gurian to the random entangled loop structure as recited in the subject claim 10. The Examiner further notes that Gurian teaches that the yarns include flame-retardant polyester filaments and other flame-retardant filaments with the desired amount of flame retardancy. However it is clear that Gurian is directed to a field entirely different from that of the fire-fighting field to which the subject application is directed. As noted in the Background, Gurian is directed to fabric for uses such as hospital drapes and shower curtains. It is particularly noteworthy that Gurian discloses at column 3, line 65 to column 4, line 4 that microbial fibers form the sheath (and therefore the loops) in the yarns, whereas the flame retardant fibers are at the core.

The Examiner admits that Gurian fails to teach that the yarns comprise para-aramid and meta-aramids and offers Behnke for that disclosure. However as the Examiner notes at the second paragraph at page 4 of the subject office action, Behnke is directed to protective clothing for extreme temperature conditions such as that provided by exposure to burning fuel. It is well accepted that establishing a prima facie case of obviousness requires some motivation to combine references. It can not be said that one of ordinary skill in the art would look to combine Gurian with its emphasis on some flame retardancy and antimicrobial properties for use in drapes, bedspreads, and the like with Behnke to teach the invention as recited in claim 10.

Applicant therefore maintains the Examiner has failed to show a prima facie case of obviousness. Applicant respectfully requests that the rejection be withdrawn.

Application No.: 09/780632
Docket No.: HT3765USNA

Page 3

CONCLUSION

It is believed that the foregoing is a complete response to the subject Office Action. Applicants believe that all rejections can be overcome and that the instant claims are now in condition for allowance. If any matters remain for resolution, please contact the undersigned.

Respectfully submitted,



FREDERICK D. STRICKLAND
ATTORNEY FOR APPLICANT
Registration No.: 39,041
Telephone: (302) 892-7940
Facsimile: (302) 892-7343

Dated: May 9, 2006
FDS:fgl